

the article would not prevent or correct the various disease conditions named and suggested; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirements of vitamin B₁ appeared inconspicuously upon the back panel.

D-X Tablets, misbranding, Section 403 (a), the statements on the bottle label and in a circular entitled, "Diabetes?," which represented, suggested and implied that inadequacies in the mineral content of foods ordinarily consumed are responsible for the development of diabetes, and that use of the product would prevent or cure this disease, were false and misleading since diabetes is not a deficiency disease resulting from inadequacies in mineral intake, and consumption of the article would not effect the results stated or implied in the labeling.

Sea-Soi, adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), because of false and misleading statements on the bottle label and in a circular, "Nervous . . . Anemic? Sea-Soi?," which represented, suggested, and implied that use of the article in accordance with the directions would prevent or correct the diseases and conditions named and suggested, and that the principal ingredients of the article were derived from the sea; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirements of vitamins A, B, C, and D, and of iron and phosphorus, appeared inconspicuously upon the back panel.

Kalseom, misbranding, Section 403 (a), the statements on the bottle label and in a circular entitled, "Can This Be True?," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the article, which deficiency would result in the various disease conditions named and suggested, were false and misleading since the nutritional elements supplied by the article are easily available from ordinary foods, and use of the product would not prevent or correct the various diseases or conditions named and suggested; and, Section 403 (f), the information with respect to the proportion of the minimum daily requirements of calcium, phosphorus, and vitamins C and D appeared inconspicuously upon the back panel.

Section 403 (j), further misbranding of the West's Imported Sea Vegetable Tablets, Sea Vegecene (Powder), Sodeom, Sea-V-Aid, Sea-Vo-Kra, Sea Vegetables Vitaminized, F Y A Tablets, D-X Tablets, Sea-Soi, and Kalseom, in that they purported to be and were represented as foods for special dietary uses by reason of their mineral content and, in some instances, their vitamin content also, and the labels failed to bear, as the regulations require, statements of the proportion of the minimum daily requirements of the minerals and vitamins which would be furnished by specified quantities of the articles when consumed as directed during a period of 1 day, and, in the cases of the Sea-Vo-Kra, Sea Vegetables Vitaminized, F Y A Tablets, and D-X Tablets, the names of the particular food minerals other than iodine upon which use of the food was based.

Misbranding of all of the articles and adulteration of the Sea-Soi were also alleged under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1246.

DISPOSITION: On August 10, 1943, Mineralized Foods, Inc., claimant, was granted its motion for the removal of the libel proceedings to a district of reasonable proximity to the city of Baltimore, Md. On October 7, 1943, the cases having been transferred to the District of Columbia and an order entered for the consolidation of the cases, and the claimant having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7346. Misbranding of soya milk powder and soya cereal. U. S. v. 101 Packages of Soya Milk Powder and 76 Packages of Soya Cereal. Default decree of condemnation and destruction. (F. D. C. No. 12424. Sample Nos. 64867-F, 64868-F.)

LIBEL FILED: June 12, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about April 3, 1944, by the McBride Products Co., from South Pasadena, Calif.

PRODUCT: 101 packages, each containing 12½ ounces, of soya milk powder, and 76 packages, each containing 1 pound, of soya cereal, at Seattle, Wash.

Examination showed that the soya milk powder consisted essentially of powdered soy beans with small quantities of dextrose and lactose; and that the soya cereal consisted chiefly of coarsely ground wheat, and contained wheat germ and ground soy beans.

LABEL, IN PART: "Mary McBride's Soya Milk Powder [or "Soya Cereal"]."

VIOLATIONS CHARGED: Misbranding, soya milk powder, Section 403 (a), because of certain statements in the labeling which created the false and misleading impression that the article, when used as directed, would provide the nutritional values of milk; that it was rich in calcium; that it was a valuable source of proteins, vitamins, and minerals; that it contained substantial quantities of vitamins A, B, G, E, F, and K; that it was of special value by reason of the soya-bean protein present therein; and that it was particularly useful to individuals who must restrict their carbohydrate intake.

Misbranding, soya cereal, Section 403 (a), because of certain statements in the labeling which created the false and misleading impression that the article was essentially a soybean product, providing the nutritional value of soybeans; and that it was of unusual value as a source of vitamins A, B, G, E, F, and K and the vitamins of the B-complex, whereas the article contained substantial quantities of ingredients other than soybeans, and it was not of special value by reason of the presence of the vitamins named.

DISPOSITION: October 18, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

7347. Misbranding of Vit-an-Min. U. S. v. S & R Laboratories, Inc. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 10598. Sample Nos. 3064-F, 3065-F.)

INFORMATION FILED: January 29, 1944, Northern District of Illinois, against the S & R Laboratories, Inc., Chicago, Ill.

ALLEGED SHIPMENT: On or about April 20, 1943, from the State of Illinois into the State of Missouri.

PRODUCT: Examination disclosed that the product consisted of a light brown, powdered material containing essentially vitamins A, D, B₁, and riboflavin, and the minerals, calcium, phosphorus, and iron.

VIOLATION CHARGED: Misbranding, Section 403 (a), because of false and misleading statements appearing in its labeling which represented and suggested that the article was of significant nutritional value by reason of the presence of vitamin B₆, vitamin E, and other factors of the B-complex as found in brewers' yeast; that the article would give the user health and beauty; that it would insure normal functioning and correct abnormalities of the brain, pituitary gland, thyroid gland, parathyroid glands, thymus gland, spleen, pancreas, adrenal glands, gonads, prostate gland, pineal gland, mammary glands, and spinal cord; and that the article would extend youth, prolong life, promote growth and appetite, protect against infection and scurvy, prevent pellagra, and overcome sterility.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1241.

DISPOSITION: On April 24, 1944, the defendant filed a motion to quash the information on the ground (1) that the article was not a drug, and (2) that each of the counts in the information, when considered with the affidavits attached thereto, were confusing and without sufficient certainty and particularity. Argument by counsel on the motion was thereafter heard, and on May 19, 1944, an order by the court in denial of the motion was entered. On June 26, 1944, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

7348. Adulteration and misbranding of vitamin A tablets. U. S. v. 3 Cans and 1 Can of Vitamin A Tablets. Default decree of condemnation and destruction. (F. D. C. No. 12161. Sample No. 957-F.)

LABEL FILED: April 13, 1944, Northern District of Indiana.

ALLEGED SHIPMENT: On or about January 24 and February 15, 1944, by the V. M. V. Food Products Co., Oakland, Calif.

PRODUCT: 3 cans containing approximately 25,000 vitamin A tablets, and 1 can containing approximately 12,500 vitamin A tablets, at Hammond, Ind.

Examination showed that the article contained less than 2,500 U. S. P. units of vitamin A per tablet.